

# THE SALT LAKE HERALD

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## TITLES AND WATER RIGHTS.

IN THE DISCUSSION of the water problem now before the people of Salt Lake it will be well to recognize the fact in the beginning that there is no such thing known to the laws of the state as absolute title to water. When the plan now under discussion came up in the city council A. J. Davis and T. R. Black based their chief opposition on the claim that the city under this plan did not "secure an absolute title to a single gallon of water." It would be impossible for the city to do this under any plan that could be suggested.

No law on the statute book of Utah recognizes absolute title to a gallon of water. This is a fact well known to men who have been involved in water litigation. What the law does recognize is right to the use of water. A person can acquire the right to the use of water and so long as he complies with the requirements of the law the water is his to use. Just as soon as he fails to make use of the water, within a specified time, he loses all right to it.

Title to land may be absolute. After a man has secured a good deed to a piece of ground it is his to do with it as he pleases. So long as he pays the taxes he may go away and permit his property to return to the wilderness. His title remains intact. Not so with water. This same man may purchase a piece of ground outright. At the same time he may purchase the water right that goes with the land—that is, the right to use a certain amount of water apportioned to that particular piece of ground. Should he fail to make use of the water he would lose his right to it in a specified time and the land would become barren. His title to the land would remain but his right to the use of the water would be gone.

Salt Lake City cannot secure absolute title to the water of Big Cottonwood creek or any part of that creek. This could not be done even were the farmers, who now hold rights to the use of the stream, willing to sell. The laws of the state would recognize no such transaction. The best the city could do in any event would be to secure the right to the use of all or part of the stream. Then, so long as the right to the use of the water is exercised, the city need have no fear of loss.

The proposed contract with the farmers for the exchange of Utah lake water for Big Cottonwood water should be considered in the light of these conditions established by the laws of the land. For instance section No. 1 of the proposed contract says:

"The party of the second part (the farmer) hereby grants, bargains and sells to the party of the first part (the city) all of the right of it, the party of the second part, to the use of all its portion of the water flowing in Big Cottonwood creek, Salt Lake county, Utah, only, however, until the time that the party of the second part shall be entitled to again take and use the said water as hereinafter provided upon the failure of the party of the first part to keep the covenants herein provided for it, the party of the first part, to be kept."

The provisions of the contract referred to here are subject for honest debate, and there is no intention here to endorse or reject them. They will be discussed in all their phases before the people are asked to pass final judgment. Just at this time the desire is to remove a wrong impression planted in the minds of people by the efforts of councilmen to secure "title to a single gallon of water."

## ON DODGING APPENDICITIS.

A FELLOW of the Royal College of Surgeons, writing in the National Review, tells an anxious world how to avoid appendicitis. The fellow, note the capital, does not sign his name to his article. Instead he uses only the initials, F. R. C. S. He does not advise his readers to avoid grape seeds and orange seeds and cherry stones. These, he believes, will take care of themselves in the human system, or be taken care of by the system.

To avoid appendicitis the doctor says it is necessary to let the "quick-meal habit" severely alone. Don't rush into a restaurant in the middle of the day and bolt your food as if you were afraid the next minute would be your last. If you haven't time to eat all you want, don't eat all you want. Eat only a little. And when you have eaten heartily, even though slowly, don't run back to your office and try to do a day's work in two hours.

The doctor tells us that harmful microbes decay to get into a punished stomach. These microbes think the veriform appendix is the greatest roosting place they can find. Consequently they congregate there in as large numbers as the organ will accommodate and the first thing the owner thereof knows he is wondering why he should have been selected as an appendicitis victim.

The wonder is, according to the doctor,

that there are not more cases of appendicitis than there are so many. If appendicitis is really caused by the bolting of food and by the habit of rushing back to work as soon as one has eaten, it really is a wonder that appendicitis is not more general. But it seems to us that we have a better plan than the doctor's. Just take out a big health policy providing that when you have appendicitis you are to get enough money to pay for the operation and a bountiful sum in weekly benefits while you are laid up.

## PORT ARTHUR TOTTERS.

THE FALL of Port Arthur seems now a question of only a few hours, or a few days at most. The capture of 200-Metre hill by the Japanese in the beginning of the end. This hill, as indicated in the dispatches, is a height from which the Japanese will be able to command with their artillery the entire range of the harbor and a portion of the main city. The effect of this will be to prevent the defenders from throwing up any more defenses.

St. Petersburg has not yet admitted the capture of the hill, but it is conceded there that if the report is correct Port Arthur is in desperate straits. The next thing in order will be the mounding of heavy guns on the eminence for the purpose of destroying the Russian ships now in the harbor or compelling them to sail out. Either alternative is distressing to the Russians. If the fleet stays in the harbor it will be destroyed by the Japanese siege guns. If it attempts to escape it will be destroyed on the open sea by the minkado's fleet.

Kuropatkin, in the meanwhile, may be depended upon to make a desperate effort to do some serious damage to Oyamano's forces. He knows that the moment Port Arthur falls a large portion of Nogai's army will be released and will start for the Manchurian firing line. A junction of the two Japanese armies is more than likely to result in the elimination of Kuropatkin's forces and the wiping away of all Russian authority in Manchuria.

## OMINOUS FOR THE TRUSTS.

SOMEHOW, SOME WAY, the trusts do not seem to be enjoying the victory of their ticket in November as much as might be expected. The morning after that memorable triumph, the stand-pat beneficiaries of a robber tariff were all joy. Their tariff game had been sanctified, as it were, by a benediction from the people, or so the trusts thought; but now the returns are all in they find a persistent demand for a genuine revision of the tariff and restraint of illegal combinations which gives them shivers all along their vertebrae.

The reason for their unhappiness is not far to seek. Because the majority of American voters preferred Roosevelt to Parker, the trusts assumed that the election was an endorsement of the whole trust programme. Unfortunately, they were premature in their conclusions, as they themselves begin to realize, for since the smoke has cleared away they have discovered that there is an overwhelming demand from the plain people for a revision of the tariff that is ominous for the extortioners.

Having settled the presidency to its satisfaction, there is every indication that the country is determined to settle, also, the question whether this is to be a government of the trusts, or a government such as Lincoln described of the people, by the people, for the people.

Furthermore, the demand comes in such volume and in such form that even a trust-ruler congress cannot resist it, although there will doubtless be an effort to minimize the concessions by way of revision, if any are made. The day when the home consumer can be made to pay exorbitant and dishonest profits, while the trusts make prices to the foreigner on a competitive and reasonable basis, is rapidly coming to an end, and if this Republican administration does not see the handwriting on the wall its term of office will be limited to the next general election in spite of the supposed demoralization of the tariff reform element.

Wouldn't it be a delicious joke on the trusts if President Roosevelt really should insist on revising the tariff.

The St. Louis fair passed into history yesterday. It was a magnificent show but it didn't attract anything like the patronage it was entitled to.

Perhaps the increase in the use of snuff reported by the commissioner of internal revenue has been caused by people who want to learn how to pronounce Russian names.

Senator Mitchell of Oregon seems to be afraid to testify in the land fraud cases now on trial in Portland. Does the senator believe he might be asked some uncomfortable questions?

It is very forbearing in the Chicago paragraphs to refrain from suggesting that Mr. Dove, who is badly wanted on a murder charge, has flown. And yet he seems to have done that very thing.

Ex-Candidate Watson has been leading the Democratic party and William Jennings Bryan again. If Watson was a tenth as important as he seems to imagine he might really do the Democratic party some harm. But after all, can anything harm the Democratic party just now?

The circuit court of the United States is going to hear at least one feature of the Colorado election case. This should be very satisfactory to every citizen of Colorado who is interested in honest elections and fair counts. The Republicans there have manifested both a desire and a willingness to steal the governorship. We hardly think a United States court will permit them to do so.

The Ladies Aid society of the First Baptist church hold a handkerchief and Christmas novelty sale today and tomorrow at Greenwald's furniture store.

## C. P. PRUITT WEDS MISS MILLIE MYERS.



MR. AND MRS. C. P. PRUITT.

The wedding of Miss Millie Myers of Cheyenne and Charles P. Pruitt of Salt Lake City was solemnized at the home of the bride's parents, Mr. and Mrs. William Myers of Cheyenne, yesterday.

Miss Elsie Pruitt, a sister of the groom, was maid of honor, while W. C. Howell acted as best man. Following the ceremony, a reception was given at Mr. and Mrs. Pruitt, after which

they left on a short wedding trip. At the conclusion of the honeymoon the newly wedded couple will reside in Salt Lake.

Mrs. Pruitt is one of Cheyenne's well known young society women. The groom has been a resident of Salt Lake, connected with one of the railroads, for five years. His acquaintance with Miss Myers began about five years ago, when his duties took him to Cheyenne.

## Society

Mrs. A. E. Walker entertained a party of friends at the play last evening, followed by a supper at her apartments at the Louise flats. The affair was given in honor of Bruce Fordham, and the other guests were Miss Steig Salisbury, Miss Laura Sherman, Miss Ruth Kirkpatrick, Miss Dorothy Kinney, Lieutenant Allen, Louis McCormick, John S. Critchlow and George N. Lawrence.

Miss Georgie Alexander of Kansas City, who has been the guest of her sister, Mrs. Charles F. Porter, will return today to her home.

Mrs. W. W. Armstrong was the hostess yesterday afternoon at a card party at which about fifty of her friends were entertained. Euchre was the game played, the tables being hand painted pictures of dancing girls. The house was decorated with carnations and roses and the hostess was assisted by Miss Colbath and Miss Edythe Hale. The prize winners were Mrs. Fred A. Hale, Mrs. Peter McPherson and Mrs. Hal W. Brown.

The dance to be given by the High School Alumni association will take place this evening. The matter of giving a series of dances has been taken up by committees. The patronesses for this evening are Mrs. Rachel Miller, Mrs. Hoyt Sherman, Mrs. Russell Schuler, Mrs. A. J. Vorse and Mrs. O. J. Salisbury.

Mrs. Glen Miller and her son, Gled, who are in Germany, will go to Vienna to spend the Christmas holidays with relatives.

Miss M. Alice Isely of Provo is in the city the guest of Mrs. W. W. Chisholm.

Mrs. Ralph E. Hoag of Ogden will be in the city today and will spend the next few days here.

Captain and Mrs. John E. Woodward entertained a party of a dozen friends at dinner Wednesday evening preceding the hop at the post hall.

The event of this afternoon will be the card party to be given at the Knutsford by Miss Kirkpatrick in honor of her sister, Miss Aikland Hood of Australia and Miss Carolyn Kenyon of Texas, both of whom are guests at the Marshall home. Five hundred will be played and a large number of guests have been bidden.

The boys of the U. of U. football team are to be banqueted by the men of the Alumni association tonight at the Alta club.

Mrs. A. D. Kuhn of Ogden is in the city visiting Mrs. Kuhn.

Mr. and Mrs. David Ramsey Gray, who have spent the past month in the east, are expected home today.

Mr. and Mrs. Walter Fisher are back from California.

Mrs. A. V. Luman has issued invitations for a reception in honor of Mrs. C. D. Clark and Miss Clark of Wyoming to be given next Wednesday afternoon.

Cards have been issued announcing the marriage of William of Miss Estelle K. Watson and Daniel B. Shields of Park City.

Mr. and Mrs. W. M. Bacon will entertain the Filch club at their home tomorrow evening.

Mrs. Gideon Snyder entertained at a luncheon Monday in company with Mrs. Greeley Snyder of Kimberley.

The college women of the university are making elaborate preparations for their ball to be given this evening.

The current events and current literature section of the Ladies Literary club will meet this afternoon at 2 o'clock. Mrs. E. D. Miller will give a talk on "The New York Subway."

Mrs. Byron (Cochran) review "The Crossing" and Mrs. John Reed of Denver will give some readings.

The first meeting for the season of the East Side Euchre club was held last evening with Mr. and Mrs. Charles Brink.

The Utah Cook Book, compiled by the ladies of the First Presbyterian church, especially for this high altitude, is now on sale at Godde-Pitts drug store, at 50 cents a copy.

## A MAGNIFICENT PAPER.

Cincinnati Tribune Celebrates its 110th Anniversary.

The Commercial Tribune of Cincinnati celebrated its 110th anniversary on Thanksgiving by the publication of an extraordinary edition showing the growth of the paper and its hold from its first publication. Established with the old Weekly Gazette shortly after the cession by Virginia of the Northwest territory, the establishment represents the progress of newspaper enterprise almost from its inception west of the Alleghenies. The anniversary edition shows the elaborate cooperation of a great modern newspaper, is copiously illustrated, and embraces in its text every phase of the varied industries and commercial undertakings which have made Cincinnati the metropolis not only of the Ohio valley, but of the vast territory controlled by the city through its transportation facilities. Few special editions ever reach the standard of excellence established by this one; and the management is to be congratulated on its achievement.

## LIVE WIRES

About three more of these official counts and there wouldn't be a Democratic vote left.

The determination to bar guessing contests from the mails will work a great hardship on those who prepare election forecasts.

Even though the investigation resumes Dec. 12, it is not believed the findings will be ready in time for Senator Smoot's Christmas.

The proposition to install water meters appears to be favored by the meter company and not less than two citizens of Salt Lake.

Some of our leading citizens will be having their pictures in the eastern papers again presently.

We look to see water and oil mixed about the time the labor unions endorse the attitude of the Citizens' Industrial association.

It really looks as if the great internal problem confronting the czar is the governing of his relatives.

Has anybody seen Captain A. T. Maahan lately? We are anxious to learn the exact situation at Port Arthur.

## Barth Leads in Pennsylvania.

(Telegraphic Message.) Harrisburg, Pa., Dec. 1.—It is now almost certain that the Pennsylvania legislature will elect Judge Barth to represent Utah in the United States senate. Judge Barth's campaign in this state has been vigorously conducted. At a late hour tonight his manager claimed enough votes to give him the caucus nomination for senator from Utah on the first ballot. When the Pennsylvania legislature meets in joint session it will first elect Knox to represent Pennsylvania and will then elect Barth to represent Utah. This will give the Pennsylvania legislature but little additional work and will save a lot of bother in Utah.

The Glassman boom is on the wane. It is now asserted that outside of the Philadelphia delegation he will not be able to control ten votes in the entire state.

Pennsylvania jobbers report an unusually heavy demand for rubber boots this fall.

## CHRISTMAS SALE.

Miss Dunster announces her Christmas sale of decorated china, to be held at Walker's store, in the military department, on Friday and Saturday, Dec. 2 and 3.

## The King's Way.

(New York Times.) Clyde Fitch, after a long stay in Switzerland, has returned to his country house at North Cecob, Conn. He said there the other day:

"Anecdotes of Whistler are still turning up. Europe, from one end to the other, still hums with the dead American painter's name. But it was in Paris that I heard the best of Whistler's story."

"They told me that Whistler was in Paris at the time of the coronation of the king of England and one evening, at a reception at the Hotel Ritz, a duchess said to him:

"Do you know King Edward, Mr. Whistler?"

"No madam," said the painter.

"Why, that's odd," she murmured. "I met the king at a dinner party last year and he said to me, 'I know you, Mr. Whistler.'"

"Oh," said Whistler, "that was only his brag."

## Not in His Line.

(Philadelphia Public Ledger.) "William, wake up," she whispered. "I'm sure I heard a burglar downstairs. You'd better go down and see."

"My goodness, woman!" he replied, sleepily, "what a low opinion you must have of me. I'm not in the habit of nosing about with burglars."

## His Prize.

(Detroit Free Press.) Mrs. Jones—Did Smartly give you that plugged dollar? Why don't you give it back to him?

Jones—If I did he'd think it was because I couldn't pass it off, and I don't want him to think that I'm not just as smart as he is!

## Brokerage House of

JOHN C. CUTLER, JR.  
(Established 1882.)  
Investment  
BANK AND SUGAR STOCKS,  
COMMERCIAL STOCKS AND BONDS  
Bought and Sold.  
Tel. 127-3. 36 MAIN ST.

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IS INVINCIBLE

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Preston (Cedar Valley), Idaho.  
CLEVELAND COMMISSION CO., Distributors.

The People Are With Us

# Keith-OBrien

COMPANY

## The Christmas Store

### Toy Opening Saturday

## BOYS' CLOTHING

Our Entire Stock of \$4.50, \$4.75, \$4.95 suits will be sold at the uniform price of—

\$3.95

OUR ENTIRE STOCK OF \$3.50, \$3.75 AND \$4.00 WILL BE DISPLAYED ON ONE TABLE AND SOLD AT THE ONE PRICE OF—

\$2.95



## Walking Skirts.

It is not often that a correct cut, a fine fit, excellent material, and in every way a well skirt can be obtained at a small price. The line offered as an inducement for Friday and Saturday combine those points. The skirts are made of blue and gray melton; seams double stitched; knit effect. The line has sold readily at \$3.50 and \$4.50. They will go fast—

\$1.95

## Bath Robes at Half-Price.

Here is a splendid two-days' bargain. The bath robes are imported; all wool fancy elderdown, sailor collar; tucked back; girdles to match; red, pink, green and blue. The new approach of Christmas makes the bargains all the more attractive, as the bath robes make an ideal present. As long as they last they will be sold: \$3.75 bath robes for—

\$4.87

SECOND DAY RIBBON SALE—FINE 60-CENT 4-5 AND 5-6 INCH SATIN TAFFETA RIBBON—ALL THE LEADING COLORS—AT ONLY 17¢ CENTS. SEE WINDOW EXHIBIT. YESTERDAY'S SALE WAS UNUSUALLY LARGE.

## Ladies' Underwear and Hosiery--Children's Hosiery.

UNDERWEAR—Wool pants and vests in natural color, lavender and white. The line is broken and the sizes are mostly small. Regular price \$1.50 for 6c. BOYS' AND GIRLS' HOSE—Black wool, one and one ribbed, two and one ribbed; gray heel and toe. Special for Friday and Saturday only, 25c. LADIES' HOSE—Silk plated, fast black, double heel and toe; also white heel and toe, \$1.00 for 6c. Many other lowered prices.

## Big Sale of Colored Chiffon Appliques and Flat Val Laces.

A large and beautiful line of colored chiffon appliques—used for dress trimming and making fancy collars. The values run to \$1.25.

## Handkerchief Specials.

Christmas handkerchiefs—children's 2-in-a-box, colored borders, plain white initial in the corner. Sale price, box 15c. Attractive new designs in 4 Kimona handkerchiefs. Special price—3 for 25c. You can buy unlaundered handkerchiefs at 12c. A special price is made on handkerchief center pieces—15c.



## Dress the Table

Nicely for it helps the cook and sharpens your appetite. This is the season for good things, including good table silver.



...REASONABLE PRICES...

## HAVE THE Real Estate Nail?

It is one of the afflictions most common to the human race, and a nice manicure set will relieve you of it. We have some very exquisite sets for both ladies and gentlemen in mother-of-pearl, ebony, ivory and celluloid, and you can get a set at most any price you happen to have from 50 cents to \$25. They are beautiful Christmas presents. Select now and we will put one away for you if you desire.

## SCHRAMM'S Where the Cars Stop

## Automobile Rebuilding!

REPAIRING.

SPIEGEL, 57 Richard St.

Always Remember the Full Name  
Laxative Bromo Quinine  
Cures a Cold in One Day, Grip in 2 Days  
on every box 25c

## Christmas Is Nearly Here



Now is the best time to select your presents, and the best present you can select, to give the most lasting pleasure is a nice PIANO or ORGAN. We are offering special inducements from now until Xmas day. It will be a pleasure to have you call and hear our instruments.

SHEET MUSIC GIVEN AWAY.  
Vansant & Chamberlain,  
51 and 53 MAIN STREET.

## The Joy of Life



TO ANY MAN  
In an office is a Loose-Leaf Ledger, where he can keep his accounts in the best way with the least work. The Breen Office Supply company have the largest stock of loose-leaf office devices in Utah, and can tell you how to use them.

60 WEST SECOND SOUTH.

The best time to adopt new office methods is the first of the new year. Roscoe M. Breen.

## GRAND THEATRE

JONES & HAMMER, Mgrs.

PRICES: Night, 25c, 50c, 75c, Matinee, 25c.

TONIGHT AND TOMORROW NIGHT

MATINEE SATURDAY AT 2:15 P. M.

CHAMPION  
JAMES J. JEFFRIES  
In the 10th Backwoods Drama,  
Davy Crockett

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To fit glasses to the eyes. That's why people come here when they need glasses. Our long experience qualifies us to properly adjust correct lenses to defective vision. We don't charge any more than reliable work is worth. Call and see us. EYES EXAMINED FREE.

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